

# Planning Commission Staff Report

December 2, 2021



<b>Case No:</b>	21-ZONE-0025
<b>Project Name:</b>	PRP Town Centre
<b>Location:</b>	8523 Terry Road & 6300 W. Pages Lane
<b>Owner(s):</b>	PRP Retail Opportunity Fund, LLC
<b>Applicant:</b>	Urban Growth Capital, LLC – Tyler Divin
<b>Representative(s):</b>	Tyler Divin; CARMAN – John Carman
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	14 – Cindi Fowler
<b>Case Manager:</b>	Joel P. Dock, AICP, Planning Coordinator

## REQUEST(S)

- **Change-in-Zoning** from C-1 to C-2, Commercial
- **Detailed District Development Plan**

## CASE SUMMARY

The applicant has requested a change in zoning from C-1 to C-2 to allow for an expansion of permitted uses within an existing activity center. The center is located roughly 1.5 miles west of Dixie Highway. It is served by TARC route #63 and sidewalks are present on Terry Road, but not along W. Pages Lane. Pedestrian connectivity will be added at the intersection at Seaforth Drive and W. Pages Road and from Terry Road into the center. Interior landscape islands have been added recently by the developer/applicant to break up surface parking areas. Curb-cuts at the rear will be reduced and Bike parking and a drive-through will be added to the center. No new building construction is proposed.

## STAFF FINDING

The proposal conforms to the land use and development policies of Plan 2040. The change increases the pool of potential tenants for an existing activity center, which is connected to transit and at the intersection of a collector and arterial roadway. The detailed plan has been adequately justified for approval based on staff's analysis contained in the standard of review.

## STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

## **STAFF ANALYSIS FOR CHANGE IN ZONING**

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

### **The site is in the Neighborhood Form District**

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The proposal does not increase the land area devoted to non-residential uses. It does increase the intensity and density of uses permitted on the property. However, these uses will be located at the intersection of an arterial and collector roadway with transit providing direct service to the center. It is itself a current activity center in the Neighborhood form district and adjacent to community services and the PRP fire district. The proposed change in zoning allows for an increase in potential tenants to induce their investment in the area; thus, resulting in an efficient use of land for an existing retail shopping center. A greater pool of tenants may also result in more interaction with the area, which can lead to an increase in the use of alternative transportation and short trips made by walking from nearby areas.

The proposal is located at the site of an existing activity center which is connected by W. Pages lane, a collector, to Dixie Highway, a major transit corridor. The site is connected to transit. Although that service does not provide direct access to Dixie Highway. Sidewalks are available on the southside of W. Pages Lane to Dixie Highway. Sidewalks are not present on W. Pages lane and this right-of-way poses significant challenges for construction. Connectivity from W. Pages is provided from the Seaforth intersection. Additional support for TARC stops may be needed and the applicant should coordinate with TARC for any needed future improvements.

The site does not contain natural or historic resources. It should be noted that a cemetery was previously removed at the rear of the site near Seaforth and Manse Drive. No new building construction is proposed which would disturb that area.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN**

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. The site is currently developed, and a cemetery was previously removed. No new building construction is proposed. ILA trees have been installed by the applicant prior to this application.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. Connectivity to the center in areas where sidewalk construction is troublesome will be provided, specifically from W. Pages lane at Seaforth Drive. Connectivity from Terry Road will be provided to safely connect pedestrians.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: No open space is required.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: No changes to the subject site which would reduce compatibility are proposed.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The proposed development plan conforms to the Comprehensive Plan and the Land Development Code. No relief has been requested.

**REQUIRED ACTIONS**

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from C-1, commercial to C-2, commercial on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Detailed District Development Plan**

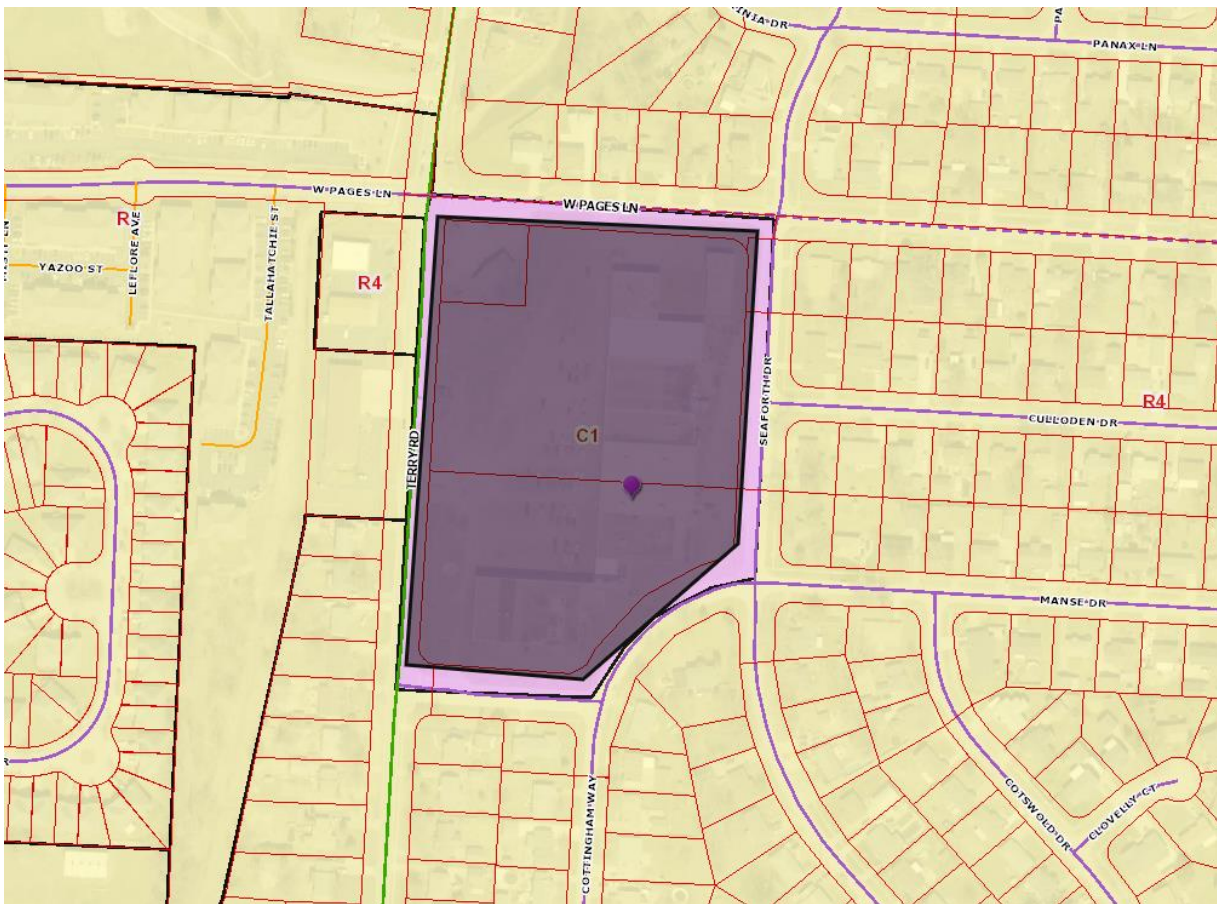
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10/14/21	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 14
11/18/21	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 14
11/16/21	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

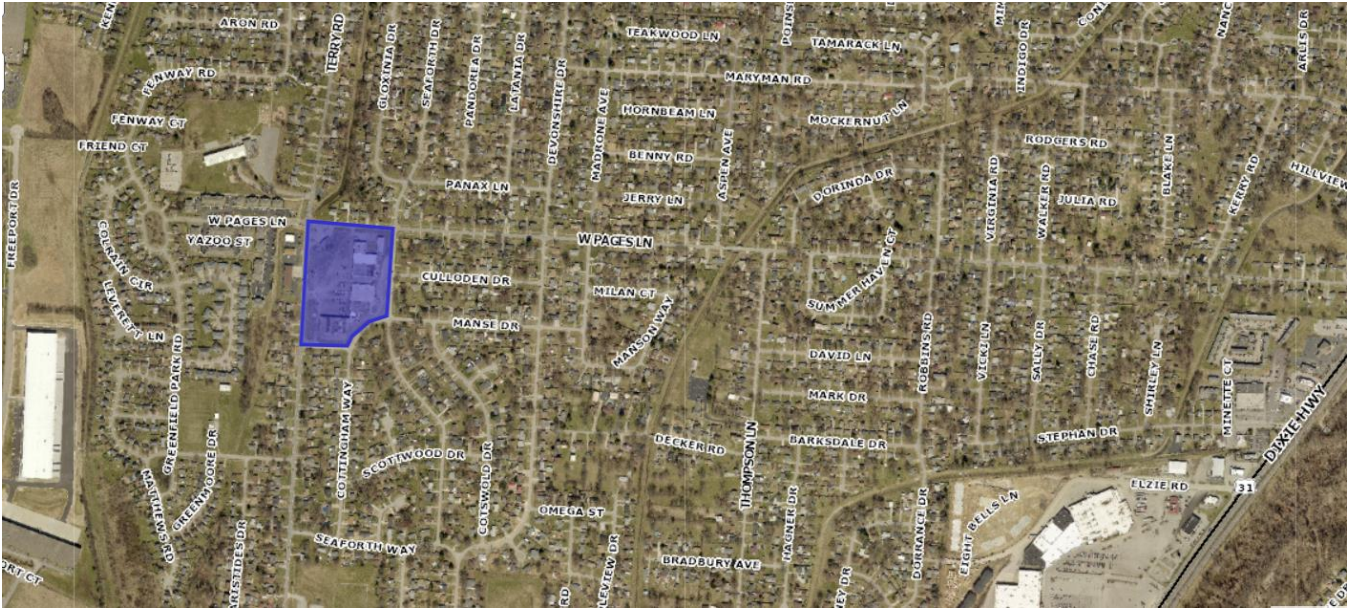
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
4. Proposed Binding Elements

# 1. Zoning Map



2. Aerial Photograph



### 3. Plan 2040 Staff Analysis

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

#### Neighborhood: Non-Residential

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 1	<b>6.</b> Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	✓	The proposal does not increase the land area devoted to non-residential uses. It does increase the intensity and density of uses permitted on the property. However, these uses will be located at the corner of an arterial and collector roadway with transit providing direct service to the center.
Community Form: Goal 1	<b>7.</b> Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposed higher intensity and density district is located at the intersection of an arterial and collector roadway with transit connectivity and is itself a current activity center and adjacent to community service and the PRP fire district.
Community Form: Goal 1	<b>17.</b> Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	The proposed higher intensity and density district is located at the intersection of an arterial and collector roadway with transit connectivity and at an existing activity center where traffic should be expected for a retail shopping center of this size.
Community Form: Goal 1	<b>18.</b> Mitigate adverse impacts of noise from proposed development on existing communities.	✓	Existing conditions lend the development to producing noise that projects towards the front – Terry Road or W. Pages Lane. The rear of the center currently contains loading and refuse collection and will continue to provide that function.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 2	1. Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	✓	The site currently maintains a retail shopping center. The increase in intensity and density is at an appropriate location at the corner of an arterial and collector level roadway.
Community Form: Goal 2	4. Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.	✓	The subject property is in the Neighborhood form district. The site provides connectivity where appropriate for the request which does not involve new construction.
Community Form: Goal 2	6. Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	✓	The proposed change in zoning allows for an increase in potential tenants to induce their investment in the area; thus, resulting in an efficient use of land for an existing retail shopping center.
Community Form: Goal 2	7. Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	✓	The uses permitted within the center will be increased which supports a greater pool of tenants; thus, more interaction with the area, which can lead to an increase in the use of alternative transportation and short trips made by walking from nearby areas.
Community Form: Goal 2	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The site is currently occupied by commercial uses.
Community Form: Goal 3	9. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	No natural features appear to be present as the site is previously developed. No new building construction is proposed.
Community Form: Goal 3	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	No wet or highly permeable soils, severe, steep or unstable slopes appear to be present on site. No new building construction is proposed.



Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Community Form: Goal 3	12. When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.	✓	No wet or highly permeable soils, severe, steep or unstable slopes appear to be present on site. No new building construction is proposed.
Community Form: Goal 4	1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.	✓	No historic features appear to be present. LOJIC indicates that a cemetery was previously removed at the rear near Seaforth and manse Drive. No new building construction is proposed.
Community Form: Goal 4	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	No historic features appear to be present. LOJIC indicates that a cemetery was previously removed at the rear near Seaforth and manse Drive. No new building construction is proposed.
Mobility: Goal 1	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposal is located at the site of an existing activity center which is connected by W. Pages lane, a collector, to Dixie Highway, a major transit corridor. The site is connected to transit. Although that service does not provide direct access to Dixie Highway. Sidewalks are available on the southside of W. Pages Lane to Dixie Highway.
Mobility: Goal 2	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	The proposed district is served by public roadway that are either arterial or collector roadways. Access would not create a significant nuisance due to the classification of these roadways
Mobility: Goal 3	1. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling.	✓	The increase in uses permitted on the site allows for a wider selection of uses available to the public that might be accessed by bike or foot.
Mobility: Goal 3	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The increase in uses permitted on the site allows for a wider selection of uses available to the public that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Mobility: Goal 3	<p><b>3.</b> Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.</p>	✓	An increase of services for the site might result in greater attraction to the site and a greater use of transit service or walking form nearby neighborhoods.
Mobility: Goal 3	<p><b>4.</b> Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following:</p> <p><b>4.1.</b> nodal connections identified by Move Louisville;</p> <p><b>4.2.</b> impact on freight routes;</p> <p><b>4.3.</b> time of operation of facilities;</p> <p><b>4.4.</b> safety;</p> <p><b>4.5.</b> appropriate linkages between neighborhoods and employment; and</p> <p><b>4.6.</b> the potential for reducing travel times and vehicle miles traveled.</p>	✓	An increase of services for this activity center site might result in greater attraction to the site and a greater use of transit service or walking form nearby neighborhoods.
Mobility: Goal 3	<p><b>5.</b> Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.</p>	✓	The increase in intensity on the site may lead to greater use of transit services as a wider range of uses to appeal to a greater audience can be provisioned.
Mobility: Goal 3	<p><b>6.</b> Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary</p>	✓	Any transportation facilities made necessary by the development will be provided as required.
Mobility: Goal 3	<p><b>9.</b> When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.</p>	✓	Sidewalks are not present on W. Pages lane and this right-of-way poses significant challenges for construction. Connectivity form W. Pages is provided from the Seaforth intersection. Additional support for TARC stops may be needed and the applicant should coordinate with TARC for any needed future improvements.

Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
Mobility: Goal 3	<b>10.</b> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	Sidewalks are not present on W. Pages lane and this right-of-way poses significant challenges for construction. Connectivity from W. Pages is provided from the Seaforth intersection.
Community Facilities: Goal 2	<b>1.</b> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	Due to existing facilities, utilities would appear to be available or capable of being served by public or private utility extensions.
Community Facilities: Goal 2	<b>2.</b> Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	An adequate supply of potable water and water for fire-fighting purposes will be available.
Community Facilities: Goal 2	<b>3.</b> Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	Due to existing facilities, utilities would appear to be available or capable of being served by public or private utility extensions.

**4. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.
  - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. Pedestrian connections and bike parking as shown on the approved development plan shall be installed within 6-months from the date of final action by Louisville Metro Council
7. No portion of the development site shall be used for a tavern/bar or used tire sales, display, or storage.
8. Except for loading and refuse collection, no outdoor activities, sales or display shall take place between the rear of the building and Manse and Seaforth Drives, including the operation of equipment or machinery associated with a contractor's shop or auto repair/service shop.